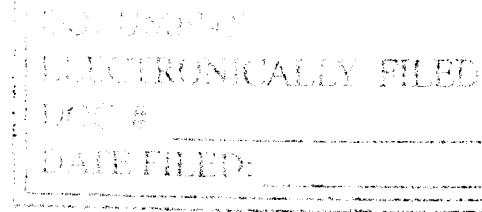


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
L.I.S.T., Inc.

Plaintiff(s),

05 Civ. 2189 (CM)(GAY)

-against-

Veeco Instruments, Inc., et al.,

Defendant(s).
----- X

Consent Scheduling Order

Upon consent of the parties, it is hereby

ORDERED as follows:

1. Rule 26(a) discovery must be exchanged on or before _____, which is 30 days after service of the answer on the last-served defendant.
2. No additional parties may be joined after _____.
3. No amendments to the pleadings will be permitted after _____.
4. All discovery shall be completed on or before _____. (In personal injury, civil rights, employment discrimination or medical malpractice cases: plaintiff's deposition shall proceed first and must be completed by _____.) "All discovery" includes expert discovery. This means that expert disclosure pursuant to Fed. R. Civ. P. 26(a)(2) (B) must be made *well before* the discovery deadline. Rule 26(a)(2) disclosures must be made no later than _____.
5. Do not contact Judge McMahon about discovery disputes; go directly to your assigned Magistrate Judge. An order of reference to your assigned Magistrate Judge is attached to this consent scheduling order form. Please provide the Magistrate Judge with the Order of Reference on or before a scheduled appearance pertaining to discovery issues.
6. A joint pretrial order in the form prescribed in Judge McMahon's individual rules shall be filed on or before _____, together with trial memoranda of law. The court will then schedule a final pretrial conference. In limine motions must be filed within five days after receipt of notice of a final pre-trial conference; responses to in limine motions are due five days after the motions are made. Cases can be called for trial at any time after the final pre-trial conference.
7. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. *The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.*

8. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
9. Any party seeking damages from any other party must append to this statement a one-page addendum explaining the factual and legal basis for the claimed damages, explaining how you propose to prove damages and setting forth a calculation of anticipated damages.
10. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. *Counsel should not assume that extensions will be granted as a matter of routine.*

Dated:

White Plains, New York 10601

Hon. Colleen McMahon
United States District Judge

CONSENTED TO: [signatures of all counsel]